

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHAD ALEXANDER,

Plaintiff,

vs.

No. CIV 11-0985 JB/WDS

F.B.I.,

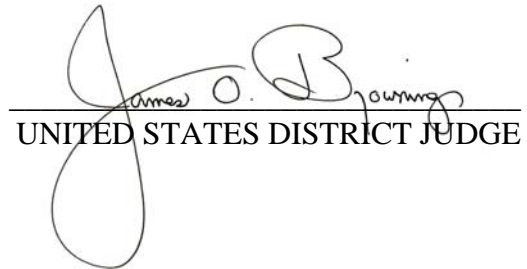
Defendant.

ORDER

THIS MATTER comes before the Court on the Magistrate Judge's Analysis and Recommended Disposition, filed November 30, 2011 (Doc. 5) ("Recommended Disposition"). No objections were filed. The Honorable W. Daniel Schneider, United States Magistrate Judge, found that Plaintiff Chad Alexander failed to state facts demonstrating that the United States of America waived sovereign immunity for his 42 U.S.C. § 1983 claims and also failed to demonstrate that he is indigent. See Recommended Disposition at 1. With respect to Alexander's Application to Proceed in District Court without Prepaying Fees or Costs, filed November 4, 2011 (Doc. 2) ("Application"), Judge Schneider found that Alexander failed to demonstrate that he cannot pay "both for filing fees and for the necessities of life." Recommended Disposition at 1. See Lewis v. Center Mkt., Nos. 09-306, 09-700, 09-701, 09-702, 2009 WL 5217343, at *1 (D.N.M. Oct. 29, 2009) (Browning, J.) (denying the plaintiff's motion to proceed in forma pauperis because the plaintiff had sufficient funds to pay for both the necessities of life and for the lawsuit she filed). Judge Schneider also determined that Alexander lacks constitutional standing, because he has not alleged that he suffered an injury in fact. Accordingly, Judge Schneider recommended that Alexander's Application be denied and that his Civil Rights Complaint Pursuant to 42 U.S.C. §

1983, filed November 4, 2011 (Doc. 1), be dismissed without prejudice for lack of subject-matter jurisdiction. The Court has reviewed the Recommended Disposition and, there being no objections to the recommendation, will adopt that decision as its own.

IT IS ORDERED that: (i) the Magistrate Judge's Analysis and Recommended Disposition, filed November 30, 2011 (Doc. 5), is hereby adopted by the Court; (ii) the Plaintiff's Application to Proceed in District Court without Prepayment of Costs or Fees, filed November 4, 2011 (Doc. 2), is denied; and (iii) the Plaintiff's Civil Rights Complaint Pursuant to 42 U.S.C. § 1983, filed November 4, 2011 (Doc. 1), is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

Parties:

Chad Alexander
Albuquerque, New Mexico

Plaintiff pro se